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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,979	02/25/2004	David Yach	30889-2003	8976

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EXAMINER	
LIN, SHEW FEN	
ART UNIT	**PAPER NUMBER**
2166	

MAIL DATE	DELIVERY MODE
08/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/784,979	YACH ET AL.	
	Examiner	Art Unit	
	Shew-Fen Lin	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/24/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

a. This action is taken to response to Request for Continued Examination filed on 5/31/2007.

b. Claims 1-24 are pending in this Office Action. Claims 1, 11-12, and 20 are independent claims.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 31, 2007 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim11, the phrase "a microcomputer *operable* to", "*operable* to process" suggest making an option to perform a functionally but not actually having the software programmed (i.e. configured) to provide that functionality exclusively as supported by the

specification. In order to have the remaining limitations fully considered and given complete patentable weight, "configured to" should be used instead of "operable to".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-24 rejected under 35 U.S.C. 102(b) as being anticipated by Parker et al. (US Patent Application Publication 2002/0116541, hereinafter Parker).

As to claim 1, Parker discloses an electronic device (Figure 1) comprising: at least one output device for emitting a plurality of different signals (sound, LED light, vibration, Figure 1, paragraph [0023], lines 4-9); and, a microcomputer (Figures 2, sound, LED light, vibration, Figure 1, paragraph [0023], lines 4-9 3) for processing a plurality of first events (calendar events, paragraph [0020], lines 16-20) and a plurality of second events (incoming call or message, paragraph [0057], lines 1-6) such that when one of said second events occurs during said first event (receive call/message during scheduled event, for example, meeting, paragraph [0035], lines 13-19, paragraph [0036], lines 7-9) said microcomputer derives a notification mode from a plurality of notification modes based on at least one criterion associated said one of said plurality of first events (based on scheduled event and associated notification mode, Figures 5-7, 9) and instructs said output device to emit one of said signals according to said notification mode

(paragraph [0034], lines 13-15), said notification mode for said one of said plurality of first events being determined from a profile selected from a plurality of different profiles (paragraph [0009], [0035]); each of said notification modes having a set of identical parameters (parameters such as Volume, Sound Files, Notification Type, Figure 4, Table 1, paragraph [0035]); each of said notification modes being uniquely configurable for each of said second events (each event is associated with a particular type of notification and different events often trigger or initiate different types of notifications, paragraph [0003], each profile may be configured to provide different types of notifications for a plurality of different types of notification-type events, paragraph [0020]).

As to claim 2, Parker discloses the electronic device of claim 1 wherein said device is selected from the group consisting of a wireless personal digital assistant, a personal computer, a cell telephone, and a smart telephone (small portable computing device, laptop, notebook, paragraph [0001], [0002],[0025]).

As to claim 3, Parker discloses the electronic device of claim 1 wherein said signals are selected from the group consisting of audible (Figure 5, item 108, paragraph [0020], lines 6-7), mechanical (paragraph [0023], lines 7-8) and visual signals (Figure 5, item 110, paragraph [0020], lines 6-7).

As to claim 4, Parker discloses the electronic device of claim 1 wherein said first event is an appointment associated with said notification mode (paragraph [0051], [0054]).

As to claim 5, Parker discloses the electronic device of claim 4 wherein said second event is a receipt of an electronic message (email, paragraph [0002], lines 14-18, paragraph [0036]) and said signal identifies said receipt (paragraph [0036]).

As to claim 6, Parker discloses the electronic device of claim 4 wherein said second event is a daily alarm and said signal identifies said alarm (critical reminder, paragraph [0036]).

As to claim 7, Parker discloses the electronic device of claim 4 wherein said electronic device includes functionality of a telephone (paragraph [0057]) and said second event is a receipt of a telephone call (paragraph [0036]).

As to claim 8, Parker discloses the electronic device of claim 1 wherein said notification mode is automatically selected based on a predefined string of characters included in said first event (select mode for a particular person, paragraph [0036], lines 7-9, automatic profile selected based on appointment type, paragraph [0054]).

As to claim 10, Parker discloses the method of claim 1 wherein said output devices include a flashing LED output device for emitting a visual signal (alert by light, Figure 1, item 110, Figure 7, item 706) and a speaker for emitting an audible signal (alert by sound, Figure 1, item 108).

As to claim 21, Parker discloses the device of claim 1 wherein each of said plurality of first events has associated therewith a profile selected from said plurality of different profiles (abstract, paragraph [0020], lines 1-7, paragraph [0052], lines 1-8).

As to claim 11, Parker discloses an electronic device (Figure 1) comprising: at least one output device for emitting a plurality of different signals (sound, LED light, vibration, Figure 1, paragraph [0023], lines 4-9); and, a microcomputer (sound, LED light, vibration, Figure 1, paragraph [0023], lines 4-9) operable to maintain a plurality of calendar appointment (receiving and storing user schedule, paragraph [0051]) and operable to process a plurality of different second events (email, paragraph [0002], lines 14-18, paragraph [0036], incoming call or message, paragraph [0057], lines 1-6) such that when one of said second events occurs during said one of said calendar appointment (receive call/message during scheduled event, for example, meeting, paragraph [0035], lines 13-19, paragraph [0036], lines 7-9) said microcomputer derives a notification mode associated with said calendar appointment (based on scheduled event and associated notification mode, Figures 5-7, 9) and instructs said output device to emit one of said signals according to said notification mode (paragraph [0034], lines 13-15), said notification mode for said one of said plurality of calendar appointments being determined from a profile selected from a plurality of different profiles (paragraph [0009], [0035]); each of said notification modes having a set of identical parameters (parameters such as Volume, Sound Files, Notification Type, Figure 4, Table 1, paragraph [0035]); each of said notification modes being uniquely configurable for each of said second events (each event is associated with a particular type of notification and different events often trigger or initiate

different types of notifications, paragraph [0003], each profile may be configured to provide different types of notifications for a plurality of different types of notification-type events, paragraph [0020]).

As to claim 22, Parker discloses the device of claim 11 wherein each of said plurality of calendar appointments has associated therewith a profile selected from said plurality of different profiles (abstract, paragraph [0020], lines 1-7, paragraph [0052], lines 1-8).

Claims 12-19 and 23 are method claims corresponding to the device of claims 1-8 and 21 respectively and are thus rejected along the same rationale.

Claims 20 and 24 are computer-readable storage medium claims corresponding to the device of claims 1 and 21 respectively and are thus rejected along the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Parker as applied to claim 1 above, and further in view of Heinonen et al. (US Patent 6,633,758, hereinafter referred as Heinonen).

As to claim 9, Parker discloses the electronic device of claim 1 wherein said events occur in different applications stored on said device (call, message, reminder, paragraph [0057], lines 1-6) and wherein said notification mode (paragraph [0057], lines 6-15) for each said application. However, Parker does not explicitly disclose said notification mode is based on a plurality of profiles configurable for each said application.

Heinonen discloses a profile manager controls access to an operational mode database that contains the operation modes for the mobile device (Figure 1, items 8, 10, column 5,lines 1-3). Profile manager communicate with application based on operation mode and parameter setting that are customized for the application (column 4, lines 41-50, column 5, lines 11-22). Therefore, user may configuration different applications with the user's own parameter values, for example, sound configuration in different operation mode (column 6, lines 58-67).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Parker's disclosure to include notification mode basing on a plurality of profiles configurable for each said application as taught by Heinonen for the purpose of obtaining different operation parameters (like ring tone, ring volume, silence setting) for different operation mode (column 1, lines 51-64, Heinonen). The skilled artisan would have been motivated to improve the invention of Parker per the above such that notification mode can

be further customized based on the profile associated with the application (column 6,lines 21-42, Heinonen).

Response to Amendment and Remarks

Applicant's arguments based on newly amended features with respect to claims 1, 11-12 and 20 (*"each of said notification modes having a set of identical parameters; each of said notification modes being uniquely configurable for each of said second events"*) have been fully and carefully considered but are moot in view of the new ground(s) of rejection. Refer to the corresponding sections of the claim analysis for details.

Related Prior Arts

The following list of prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Deeds; Douglas, US 7248900 B2, 'Compound ring tunes".
- Karstens; Rich et al., US 7076275 B1, "Method and system for single-step enablement of telephony functionality for a portable computer system".
- Kimbell, Benjamin D. et al., US 20040198427 A1, "System and method for incoming communication management for a communication device".
- Yu, Hyung-Seok, US 20040058718 A1, "Method for giving notice of an incoming call in a mobile communication terminal".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shew-Fen Lin
Patent Examiner
Art Unit 2166

August 3, 2007

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER